

EXHIBIT A

Rahul Gupte

August 11, 2009

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

THOMAS ARCHER and RUKHSANA RAFIQUE,

also known as "Rukhsana Rukhsana,"

Defendants.

DEPOSITION OF RAHUL GUPTE, the
witness herein, taken at the offices of the
United States Attorney, Eastern District of
New York, 271 Cadman Plaza East, Brooklyn, New
York, on August 11, 2009, at 10:00 a.m.,
before Robert Bloom, a Shorthand Reporter and
notary public, within and for the State of New
York.

Rahul Gupte

August 11, 2009

Page 24

1 R. Gupte

2 Q. But is it right to say that it was
3 sort of a futile process at that point because
4 you had lost your status?

5 A. I had lost my status, yes.

6 Q. After 2004, did you try to do
7 anything else to get a green card?

8 A. After 2004, yes, I did try something
9 else to get a green card, yes.

10 Q. What did you do?

11 A. Well, I made an application for the
12 -- I687 for the LULAC.

13 Q. How did you do that?

14 A. I approached Mr. Archer's office.

15 Q. How did you come to hear about Mr.
16 Archer?

17 A. Well, I got to hear about him when I
18 was traveling on a train going back to --
19 going back home. I had a couple of guys
20 sitting behind me, they were talking about how
21 they were going to get a green --

22 MS. ALOMAR: Objection as to what the
23 individuals were saying. It's hearsay.

24 Q. Please go ahead and continue
25 answering.

Rahul Gupte

August 11, 2009

Page 25

1 R. Gupte

2 A. Yes, so I overheard them talking
3 about how they would soon be getting their
4 green card, their work authorization and
5 associated green numbers so they could work
6 legally, and I asked them if they could give
7 me the number of the attorney. And that is
8 when one of the gentlemen, he gave me the
9 number.

10 Q. What is that attorney's name?

11 A. Mr. Thomas Archer.

12 Q. You said a train.

13 What this the subway?

14 A. The subway, yes.

15 Q. The people who you spoke to on the
16 subway, did they tell you anything about what
17 the requirements were for getting a green
18 card?

19 A. No.

20 Q. When was it that you had this
21 conversation on the subway?

22 A. I don't exactly remember when, but it
23 was in '95, I would say the month of October.

24 Q. When did you say?

25 A. The month of October.

Rahul Gupte

August 11, 2009

Page 26

1 R. Gupte

2 Q. In what year?

3 A. I'm sorry, 2005.

4 Q. What did you do next?

5 A. Well, then after a few days, I don't
6 know exactly how many days later, but I did
7 make a call at Mr. Archer's office and I was
8 asked to come in in person.

9 Q. Do you know who you spoke to when you
10 made that call?

11 A. I don't know who I spoke to, I spoke
12 to a lady, I don't know who I spoke to there.

13 Q. Did you, in fact, go to the office?

14 A. I did go to the office, yes.

15 Q. Where was it?

16 A. It was on Hillside Avenue, Jamaica.

17 Q. Jamaica, Queens?

18 A. Queens, yes.

19 Q. What did you see when you arrived?

20 A. When I was at the office?

21 Q. Yes.

22 A. Well, when I was at the office, I saw
23 a few people ahead of me, they were waiting in
24 line, and I was asked to wait until I get my
25 turn. And I waited until my turn came and

Rahul Gupte

August 11, 2009

Page 27

1 R. Gupte

2 then I met with Ms. Rukhsana.

3 Q. First of all, who did you understand
4 Ms. Rukhsana to be?

5 A. She was -- there was a lady sitting
6 behind the table and she was -- I understand
7 she was talking to the people ahead of me in
8 the line, and I was asked to go -- there was
9 lady who sat me down in the front, and then I
10 was asked to go see -- I mean, I assumed that
11 I have to go see her.

12 So I went to the table and talked to
13 her. I introduced myself to her and she
14 introduced herself to me as Rukhsana, so
15 that's how I know she was Rukhsana.

16 Q. What did you say to her?

17 A. I told her that I am looking to get
18 my green card, and -- which would allow me to
19 work here legally and to have a status as well
20 as a Social Security number and a work
21 authorization card.

22 And I told her what scenario I was in
23 at that present moment, what status I had, and
24 so that's what I told her.

25 Q. What did she say to you?

Rahul Gupte

August 11, 2009

Page 28

1 R. Gupte

2 A. She asked, she told me that the green
3 card can be done and I should come with my
4 passport and give her the details, and also I
5 was told about the fees, I asked how much it
6 was going to cost me to get my green card done
7 and I was told about the fees which would
8 incur. And also the government fees, how
9 much would it cost to make the application.

10 Q. Well, what were the legal fees that
11 you would have to pay?

12 A. I don't remember the exact number,
13 but I think it was \$2,500, is what I was told.

14 Q. What were the government fees you
15 would have to pay?

16 A. The government fees were in different
17 parts. One was for 325, the other was for
18 \$175, \$180, I'm not sure of the exact amounts,
19 I have to make 4 different money orders to pay
20 for the government fees.

21 Q. You said before that you told her the
22 situation that you were in.

23 Do you recall anymore detail what you
24 told her?

25 A. Well, I told her that I am out of

Rahul Gupte

August 11, 2009

Page 29

1 R. Gupte

2 status, and my status expired in 2004, and
3 when I was -- the year to that I came to the
4 U.S.

5 And that's about it, I don't remember
6 the whole thing exactly what I said, but
7 pretty much I told her about the status I was
8 at at that present time.

9 Q. When did you tell her that you had
10 arrived in the United States?

11 A. I don't exactly remember.

12 Q. I'm sorry, I think that wasn't clear.

13 You just said I think you told her
14 when you came to the United States?

15 A. When I came to the United States.

16 Q. When did you come to the United
17 States?

18 A. In January 1999.

19 Q. Is that what you told her?

20 A. That's what I think I told her. I
21 don't really remember what exact conversation
22 I had with her, but I had told her about my
23 current status, what it was, and the boat I
24 was in at that particular time.

25 Q. What language was this conversation?

Rahul Gupte

August 11, 2009

Page 30

1 R. Gupte

2 A. The conversation was in English and
3 Hindi.

4 Q. Did you have any trouble
5 understanding Rukhsana?

6 A. I did not have any trouble
7 understanding her.

8 Q. Did you think she had any trouble
9 understanding you?

10 A. I don't think so.

11 Q. What happened after that?

12 A. After that, I left the office and I
13 contacted maybe the next day or the day after,
14 I don't remember exactly when, I had to make a
15 second visit.

16 I made a second visit with my
17 passport and the monies to pay part of the
18 legal fees and the government fees.

19 Q. Do you remember -- you said part of
20 your legal fees.

21 Do you remember how much of your
22 legal fees you paid at that time?

23 A. I don't exactly remember, but I think
24 around 1,000 to \$1,500, what I paid. But I'm
25 not 100 percent sure about that.

Rahul Gupte

August 11, 2009

Page 31

1 R. Gupte

2 Q. I'm handing you what's been marked
3 Government Exhibit 2, Government Exhibit 3,
4 Government Exhibit 4 and Government Exhibit 5.

5 MS. ALOMAR: Let me look at them
6 first, please.

7 MR. GOLDSMITH: You have them.

8 MS. WHALEN: Could we see the
9 originals just for the stamps?

10 MR. GOLDSMITH: Sure.

11 (Pause)

12 Q. Now I'm handing you those documents.
13 Do you recognize those?

14 A. Yes, I do.

15 Q. What are they?

16 A. These are the money order receipts
17 which I made as government fees.

18 Q. Is that your handwriting on those
19 receipts?

20 A. Yes, that's my handwriting.

21 Q. How did you come to buy money orders?

22 A. I was -- when I went the second time,
23 I was told to get the money orders done from
24 -- there was a Western Union, I guess,
25 downstairs where Mr. Archer's office is and

Rahul Gupte

August 11, 2009

Page 32

1 R. Gupte

2 that's where I went and I got the money orders
3 made.

4 Q. Who told you to do that?

5 A. Rukhsana asked me to do that.

6 Q. Let me take those back.

7 A. Sure.

8 Q. What else did you do during this
9 second visit to Mr. Archer's office?

10 A. Well, during the second visit, I went
11 there with my passport, and Rukhsana, she
12 filled out the application for me.

13 Q. What application is that?

14 A. Application, the I687.

15 Q. I'm handing you what's been marked
16 Government Exhibit 1.

17 Do you recognize that?

18 A. Yes, I do.

19 Q. What is that?

20 A. Well, it's the I687 application for
21 status as temporary resident under Section
22 245A of the INA.

23 Q. Whose application is that?

24 A. That's my application.

25 Q. Is that your signature on the last

Rahul Gupte

August 11, 2009

Page 33

1 R. Gupte

2 page?

3 A. Yes, it is.

4 Q. And also on the second to last page,
5 is that your signature?

6 A. Yes, it is.

7 Q. You just mentioned that Rukhsana
8 filled out a form for you.

9 Is this the one that she filled out?

10 A. Yes, this is the one that she filled
11 out.

12 Q. How did she go about doing that?

13 A. She was filling out the form on the
14 computer.

15 Q. Looking at the first page of the
16 form, what types of information are listed
17 there?

18 A. On the first page it says my name, my
19 given -- my family name, my given name, my
20 middle name, date of birth, my telephone
21 numbers, address.

22 Q. Where did Rukhsana get that
23 information?

24 A. I had given her the information.

25 Q. Turning to the second page, question

Rahul Gupte

August 11, 2009

Page 34

1 R. Gupte

2 number 30, what information is listed there?

3 A. Well, it says: Residences in the
4 United States. And I see a list of
5 residences.

6 Q. Did you provide those, the addresses
7 listed there to Rukhsana?

8 A. Yes, I did.

9 Q. Did you, in fact, live at those
10 addresses at the times listed on the form?

11 A. Yes, I have lived at those addresses,
12 except for the last one.

13 Q. What is that last address, could you
14 read it for us, please?

15 A. Sure, it says 98-40 Alstyne Avenue,
16 Corona, New York 11368.

17 Q. Whose address is that?

18 A. That address I gave, that's one of
19 the persons I know, it's his address.

20 Q. Did you give that address to
21 Rukhsana?

22 A. He did give it to her, yes.

23 Q. Did you tell her that you actually
24 lived there?

25 A. No.

Rahul Gupte

August 11, 2009

Page 35

1 R. Gupte

2 Q. Why did you give her that address?

3 A. Because I was asked to give her an
4 address which she said she's going to put
5 showing that I was at that address since 1981
6 to 1999.

7 Q. Did you tell Rukhsana when you in
8 fact entered the United States?

9 A. Yes, I did. I went with the
10 passport and she went with the passport and it
11 had the visa stamps on it.

12 Q. Did Rukhsana explain to you why she
13 needed this additional address?

14 A. She told me that she would need this
15 address because -- to show that I was here in
16 the United States in 1981. So she wanted an
17 address to show to the government where I had
18 resided then.

19 Q. Did she tell you how to go about
20 getting that address?

21 A. Well, she asked me to get any
22 address, she said I can literally go out on
23 the street and just pick a house and just get
24 an address.

25 Q. Moving on to question number 32 in

Rahul Gupte

August 11, 2009

Page 36

1 R. Gupte

2 that document, what information is listed
3 there?

4 A. It says: Absences from the United
5 States since entry.

6 Q. And what is then listed there?

7 A. I see three absences listed there.

8 Q. Did you, in fact, leave the United
9 States at those times?

10 A. I did in the first one. The second
11 and the third are false.

12 Q. Who filled that information in?

13 A. It was filled out by Rukhsana.

14 Q. Did you give her that information?

15 A. I did not give her the information,
16 no.

17 Q. Did she tell you why she filled it
18 out that way?

19 A. I don't remember exactly why she
20 filled it out. I don't remember the reason
21 she gave me.

22 But those were not given by me, those
23 absences.

24 Q. Turning to the last page in the
25 document, there are a series of questions

Rahul Gupte

August 11, 2009

Page 37

1 R. Gupte

2 there with check boxes for yes and no.

3 A. Okay.

4 Q. Who filled in the answers to those
5 questions?

6 A. They were filled out by Rukhsana.

7 Q. Did you -- are the answers there
8 accurate?

9 A. The first one is not.

10 The second one is false.

11 The third one is also not true.

12 The fourth is true.

13 The fifth is true.

14 The sixth is false.

15 Q. Did Rukhsana ask you the questions
16 that are listed there?

17 A. I don't remember her asking me those
18 questions.

19 Q. Now, when you signed this form, you
20 knew that it would contain these lies about
21 your residence in the United States, right?

22 A. When I signed this form, yes.

23 Q. But you signed it anyway?

24 A. I signed it anyway.

25 Q. Why do you that?

Rahul Gupte

August 11, 2009

Page 38

1 R. Gupte

2 A. Because I wanted to get a work
3 authorization, and a Social Security number
4 and eventually a green card.

5 Q. Turning back one page to the second
6 to last page, question 43, right below your
7 signature, what's that section for?

8 A. 43 says: Signature of person
9 preparing form if other than applicant.

10 Q. And whose name is listed there?

11 A. The name listed there is Thomas W.
12 Archer.

13 Q. Did you do anything else during the
14 second visit to Mr. Archer's office?

15 A. Not -- apart from this, not something
16 I clearly remember, no.

17 Q. What was the next thing that happened
18 with your application?

19 A. The next thing, I was yet to give her
20 the Alstyne Avenue address, which I didn't
21 have then. So after that, I don't exactly
22 remember whether I called her and I gave her
23 the address or I was actually in person in the
24 office and I gave her the address.

25 Q. Let's just clarify that, when you had

Rahul Gupte

August 11, 2009

Page 39

1 R. Gupte

2 the meeting that you described for us a minute
3 ago --

4 A. The second meeting?

5 Q. The second meeting in Mr. Archer's
6 office, did you give Rukhsana the actual
7 addresses where you had lived in the United
8 States?

9 A. Yes, that's what I did, yes.

10 Q. And during that meeting did you give
11 her the Alstyne Avenue address?

12 A. I did not give her that address at
13 that meeting, no.

14 Q. Why not?

15 A. I didn't have any address. I didn't
16 know what to come up with or what to give her,
17 so I did not give it to her.

18 Q. So at some point after that meeting,
19 you called and gave that address?

20 A. I don't remember whether I called and
21 give it to her on the phone or I went to the
22 office in person and give it to her. But I
23 did give it to her eventually.

24 Q. What happened next with your
25 application?

Rahul Gupte

August 11, 2009

Page 40

1 R. Gupte

2 A. The application was submitted, and
3 then I got receipts in the mail, in my mail
4 that the application has been received.

5 Q. Did you ever visit Mr. Archer's
6 office a third time?

7 A. I did visit the office a third time,
8 yes.

9 Q. What happened during that visit?

10 A. During that visit, I don't really
11 remember why I was there, but that visit I got
12 to meet Mr. Archer.

13 Q. What happened when you met him?

14 A. Well, I shook hands with him, I spoke
15 to him, I was asking him about what this
16 application is all about, what actually this
17 going to be like, and he was on the phone
18 busy, so he asked me that Ms. Rukhsana would
19 be in a better position to answer my
20 questions.

21 Q. What language was this conversation
22 in?

23 A. With Mr. Archer?

24 Q. Yes.

25 A. It was in English.

Rahul Gupte

August 11, 2009

Page 41

1 R. Gupte

2 Q. Did you have any trouble
3 understanding him?

4 A. No, I did not.

5 Q. Did you think he had any trouble
6 understanding you?

7 A. No, I don't think so. I don't
8 remember.

9 Q. Do you remember anything else that
10 happened during that visit?

11 A. I don't remember anything in
12 particular that happened.

13 Q. Did you ever pay the remaining
14 balance that you owed Mr. Archer?

15 A. No, I did not.

16 Q. What happened next with the
17 application?

18 A. Then the application was -- I got the
19 receipt that the application was received by
20 the government, and after that, I don't
21 remember whether I got it in my mail or it was
22 at Mr. Archer's office, they got a letter from
23 the government saying that they wanted an
24 affidavit, three references which would say
25 that I was here in 1981 in the United States,

Rahul Gupte

August 11, 2009

Page 42

1 R. Gupte

2 in 1981.

3 Q. What did you do when you received
4 that request?

5 A. When I received that request, I tried
6 calling Mr. Archer's office and to see if I
7 could -- it was -- I had a time frame where I
8 had to -- within 30 days, I had to submit
9 those three references, and I was trying to
10 reach Mr. Archer's office, and it was -- I was
11 having a tough time talking to someone who
12 would help me with that affidavit.

13 Q. Did you reach anyone at all?

14 A. I don't clearly remember.

15 Q. What happened next?

16 A. Next what happened was that since I
17 was not getting a quick response from Mr.
18 Archer's office and I was on a time restraint
19 and I had to approach another attorney to see
20 if he could help me make that affidavit and
21 references.

22 Q. How did you find another attorney?

23 A. I used to watch his shows on TV, his
24 commercials.

25 Q. And so did you hire that new lawyer?